

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 01-CR-00607-RAR/Becerra

UNITED STATES OF AMERICA,

vs.

GILBERTO CHINEAG,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION ON
DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE**

THIS CAUSE comes before the Court upon Magistrate Judge Jacqueline Becerra's Report and Recommendation on Defendant's Motion for Compassionate Release, filed on September 23, 2021 [ECF No. 219] ("Report"). The Court has reviewed the Report and is otherwise fully advised in the premises.

A district court reviewing a magistrate judge's report and recommendation "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 783-84 (11th Cir. 2006). The district court "may accept, reject or modify, in whole or in part, the findings of the recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CRIM. P. 59(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). "[I]n determining whether to accept, reject, or modify the magistrate's report and recommendations, the district court has the duty to conduct a careful and complete review." *Williams v. Wainwright*, 681 F.2d 732, 732 (11th Cir. 1982) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 408 (5th Cir. 1982)). Legal conclusions are subject to *de novo* review, even if no party specifically objects. *See U.S. v. Keel*, 164 F. App'x 958, 961 (11th Cir. 2006); *U.S. v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982).

Mindful of the standard of review, and having carefully reviewed the record, as well as specifically conducted a *de novo* review of the Report's legal conclusions, it is

ORDERED AND ADJUDGED that Magistrate Judge Jacqueline Becerra's Report and Recommendation on Defendant's Motion for Compassionate Release [ECF No. 219] is **AFFIRMED AND ADOPTED**. Accordingly, Defendant's Motion for Compassionate Release [ECF No. 212] is **DENIED**.

DONE AND ORDERED in Fort Lauderdale, Florida, this 1st day of November, 2021.

A handwritten signature in black ink, appearing to read 'Rodolfo A. Ruiz II', is written over a horizontal line.

RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

cc: counsel of record